



Memorandum

TO: Honorable Members of the City Council

FROM: Ron Gonzales, Mayor

SUBJECT: Council Agenda Item #4.7: Approval of Eminent Domain Action for the Towers Lane Project

DATE: March 14, 2005

Approved

Date

Recommendation

I request Council to approve staff's recommendation for a resolution to acquire the residential property needed to construct a public street (including new asphalt, curbs, gutters, storm drainage, street lights and other improvements) on Towers Lane in District 7. Towers Lane is the last private dirt road in San Jose.

The property in question is the last piece of property needed to construct this project. Ten of the eleven property owners on Towers Lane have executed agreements to donate a portion of their property to the City to construct the new street. The eleventh family has insisted on the removal of a number of building code violations as a condition to donate the needed the property, a condition the City could not agree with. After repeated efforts to secure the property through donation, staff has concluded that eminent domain is the only remaining avenue of remedy to proceed with the project. I agree with that conclusion.

Towers Lane residents initially began their efforts to convince the City to build a paved street in the 1960's. Over the years, between difficulty in securing unanimous property owner support to donate the needed property and the City's budget issues, this project has experiences decades of setbacks in moving forward. The action recommended by staff will remove the last significant barrier to building the street.

If the eminent domain resolution were passed, staff will return in late March with the bid award for the project. Construction would begin in June and the project would be completed in December 2005.

I urge Council's support of this project.